

1 Martin A. Muckleroy  
2 State Bar #9634  
3 **MUCKLEROY LUNT, LLC**  
4 6077 S. Fort Apache Rd., Ste 140  
5 Las Vegas, NV 89148  
6 Telephone: 702-907-0097  
7 Facsimile: 702-938-4065  
8 Email: martin@muckleroylunt.com

9 James M. Wilson, Jr. (*pro hac vice*)  
10 Email: jwilson@faruqilaw.com  
11 Robert W. Killorin (*pro hac vice*)  
12 Email: rkillorin@faruqilaw.com  
13 Megan M. Remmel (*pro hac vice*)  
14 Email: mremmel@faruqilaw.com  
15 **FARUQI & FARUQI, LLP**  
16 685 Third Avenue, 26th Floor  
17 New York, NY 10017  
18 Telephone: 212-983-9330  
19 Facsimile: 212-983-9331

20 *Attorneys for Lead Plaintiff Kevin Nguyen*

21 Additional Counsel on Signature Page

22 **UNITED STATES DISTRICT COURT**  
23 **DISTRICT OF NEVADA**

24 In re TAHOE RESOURCES, INC. SECURITIES  
25 LITIGATION

Case No. 2:17-cv-01868-RFB-NJK

26 **JOINT STIPULATION AND**  
27 **[PROPOSED] ORDER TO SET CLASS**  
28 **CERTIFICATION BRIEFING**  
**SCHEDULE**

(First Request)

This Document Relates to: All Actions

1 Plaintiff Kevin Nguyen (“Plaintiff”) and Defendants Tahoe Resources, Inc., C. Kevin  
2 McArthur, Ronald W. Clayton, Mark T. Sadler, and Edie Hofmeister (“Defendants” and together  
3 with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate to set the  
4 briefing schedule for Plaintiff’s motion for class certification as follows:

5 WHEREAS, on March 10, 2021, the Parties filed a Joint Stipulation and [Proposed] Order  
6 to Alter Discovery Deadlines (“Joint Proposed Stipulation”) (ECF No. 129) that amended the  
7 existing scheduling order including setting a deadline for Plaintiff to move for class certification  
8 on July 1, 2021, for Defendants to respond to the motion for class certification on September 1,  
9 2021, and for Plaintiff to reply on October 29, 2021;

10 WHEREAS, on March 11, 2021, the Honorable Nancy J. Koppe issued an order regarding  
11 the proposed revised schedule that asked among other things whether class certification will  
12 involve experts and, if so, whether an expert disclosure schedule specific to class certification  
13 should be set (ECF No. 130);

14 WHEREAS, on March 19, 2021, the Parties filed a Joint Stipulation Responding to Court’s  
15 March 11, 2021 Order and [Proposed] Revised Discovery Deadlines (ECF No. 131), in which the  
16 Parties confirmed that they will rely on expert opinions as part of the motion for class certification  
17 and that it is the intention of the Parties that:

- 18 • Plaintiff will file an expert report in support of class certification;
- 19 • Defendants will depose Plaintiff’s expert witness;
- 20 • Defendants will file an expert report in opposition to class certification;
- 21 • Plaintiff will depose Defendants’ expert witness; and
- 22 • Plaintiff will submit a reply expert report in further support of class certification.

23 WHEREAS, on March 23, 2021, the Honorable Nancy J. Koppe entered an order  
24 approving the Parties’ proposed discovery deadlines, including the July 1, 2021 due date for  
25 Plaintiffs’ class certification motion, but advising the Parties that “[t]he Court does not address  
26 herein whether the default briefing schedule in the local rules should be altered for this motion.  
27 The Court also does not set herein deadlines for class-related expert opinions.” ECF No. 133 at 2  
28

1 n.3.

2 WHEREAS, the Parties in good faith view the use of experts by Plaintiff and Defendants at  
3 the class certification stage as aiding the Court in rendering a decision on Plaintiff's motion for  
4 class certification, and therefore it is appropriate for the class certification briefing schedule to  
5 include sufficient time both for experts to prepare written reports, analyze and respond to opposing  
6 experts and appear for deposition and for the Parties to prepare their briefs;

7 WHEREAS, in view of the Parties' intention to rely on expert opinions as part of the class  
8 certification motion, the Parties respectively ask the Court to modify the briefing schedule  
9 provided in Local Civil Rule 7-2(b) that requires points and authorities in response to a motion be  
10 served 14 days after service of the motion and the replies be served seven days thereafter;

11 NOW THEREFORE, Plaintiff and Defendants, through their respective counsel and  
12 subject to the Court's approval, stipulate and agree to the following briefing schedule for  
13 Plaintiff's motion for class certification:

14 1. Plaintiff shall file his class certification motion by July 1, 2021;

15 2. Defendants shall file their opposition to Plaintiff's motion for class certification by  
16 September 1, 2021;

17 3. Plaintiff shall file his reply in support of his motion for class certification by  
18 October 29, 2021.

19 **IT IS SO STIPULATED.**

20 Dated: June 4, 2021

Respectfully submitted,

21 By: /s/ James M. Wilson, Jr.  
22 James M. Wilson, Jr.

23 James M. Wilson, Jr. (*pro hac vice*)  
24 Robert W. Killorin (*pro hac vice*)  
25 Megan M. Remmel (*pro hac vice*)  
26 **FARUQI & FARUQI, LLP**  
27 685 Third Avenue, 26th Floor  
28 New York, NY 10017  
Telephone: 212-983-9330  
Facsimile: 212-983-9331  
Email: jwilson@faruqilaw.com  
rkillorin@faruqilaw.com  
mremmel@faruqilaw.com

Martin A. Muckleroy  
State Bar #9634  
**MUCKLEROY LUNT, LLC**  
6077 S. Fort Apache Rd., Ste 140  
Las Vegas, NV 89148  
Telephone: 702-907-0097  
Facsimile: 702-938-4065  
Email: martin@muckleroylunt.com

*Attorneys for Lead Plaintiff Kevin Nguyen*

Dated: June 4, 2021

By: /s/ Leslie Bryan Hart  
Leslie Bryan Hart

Leslie Bryan Hart, Esq. (SBN 4932)  
**FENNEMORE CRAIG, P.C.**  
7800 Rancharra Parkway  
Reno, Nevada 89511  
Tel: 775-788-2200  
Fax: 775-786-1177  
lhart@fclaw.com  
vpeterson@fclaw.com

**NEAL, GERBER & EISENBERG LLP**  
(Admitted *Pro Hac Vice*)  
Scott J. Fisher, Esq.  
Karl R. Barnickol, Esq.

*Attorneys for Defendants Tahoe Resources,  
Inc., Elizabeth McGregor, Mark Sadler,  
Ronald W. Clayton, Edie Hofmeister and C.  
Kevin McArthur*

**ORDER**

IT IS SO ORDERED that Plaintiff's motion for class certification shall be due by July 1, 2021, Defendants' opposition to Plaintiff's motion for class certification shall be due by September 1, 2021, and Plaintiff's reply in further support of his class certification motion shall be due by October 29, 2021.



THE HONORABLE RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED: June 6, 2021.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

By: /s/ James M. Wilson, Jr. \_\_\_\_\_  
James M. Wilson, Jr.